

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419-RWZ

This Document Relates to:

Suits Naming Specialty Surgery Center,
PLLC

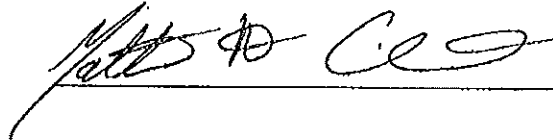
Affidavit of Matthew H. Cline

STATE OF TENNESSEE
COUNTY OF DAVIDSON


Matthew H. Cline, after first being duly sworn, states as follows:

1. I am over 18 years of age, have personal knowledge of the facts contained herein, and I am competent to testify.
2. I am one of the attorneys representing Specialty Surgery Center, PLLC ("SSC"), Kenneth Lister, MD, Kenneth Lister, MD, PC, and Jean Atkinson, RN in the NECC MDL.
3. Our firm was retained to represent SSC in October 2012.
4. Our firm did not represent SSC in the sale of its assets to Cumberland Medical Center.
5. Attorneys with our firm exchanged confidential attorney-client communications with SSC employees, including Jean Atkinson, RN, via email prior to the sale of SSC's assets in 2013.
6. Prior to the sale of SSC's assets, our firm was actively engaged in preparing for potential litigation against SSC.
7. Some of the information and documents exchanged with SSC via email were prepared in anticipation of litigation.
8. SSC received notices of potential claims arising from the fungal meningitis outbreak prior to the sale of SSC's assets.

9. In April 2013, prior to the sale, I visited SSC and made a copy of (1) the SSC employee email accounts and (2) electronic data identified by SSC's employees as related to NECC, in anticipation of responding to discovery in future litigation related to the fungal meningitis outbreak.
10. Our firm responded to the PSC's First Requests for Production on behalf of SSC. We conducted a substantial document review and produced thousands of pages of electronic documents. The document review included an extensive privilege review.
11. On May 9, 2016, I received confirmation that the computers sold by SSC to Cumberland Medical Center likely contain communications between SSC and our office.
12. On May 10, 2016, I notified counsel for Cumberland Medical Center and the PSC in writing that any privileged information contained on the computers sold to Cumberland Medical Center was disclosed inadvertently, and proposed that we be permitted to review any information from the computers before production to the PSC.



Sworn to and subscribed by me on this 23rd day of May, 2016.


(Notary Public)

My Commission Expires: 07/03/2017

